

- A P P E A R A N C E S -

ON BEHALF OF THE PLAINTIFFS:

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ON BEHALF OF THE DEFENDANTS:

TIMOTHY M. OPSITNICK, Esquire
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On behalf of the Defendants.
216 586-3939
and
AUGUST J. BORSCHKE, Esquire
Senior Counsel
RJ Reynolds Tobacco Company

Also Present: John Girdler, Videographer

- - - I N D E X - - -

WITNESS:

DIRECT

Ronnie Willard

By Mr. Maistros

4

- - - E X H I B I T S - - -

NUMBER

DESCRIPTION

IDENTIFICATION

1

Memo of 2-1-90

70

1 Thereupon,

2 THE VIDEOGRAPHER: We're going on the
3 record. The time is 9:33 a.m. This is the video
4 tape deposition of Ronie Willard, taken by the
5 plaintiff, in the matters of Catherine Bito, et
6 al, plaintiffs, against the American Tobacco
7 Company, Incorporated, et al, defendants, index
8 number 110952/96. And the matter of Sharlene
9 Hoberman, et al, plaintiffs, against Brown and
10 Williamson Tobacco Corporation, et al,
11 defendants, index number 110953/96. And the
12 matter of Rose Frosina, et al, plaintiffs,
13 against Phillip Morris, Incorporated, et al.,
14 defendants index number 110950/96. And the
15 matter of Phyllis Small, et al, plaintiffs,
16 against Lorillard Tobacco Company, Incorporated,
17 et al, defendants, index number 110949/96. And
18 the matter of Mary Ann Hoskins, et al,
19 plaintiffs, against R.J. Reynolds Tobacco
20 Company, defendants, index number 110951/96.
21 These are under the jurisdiction of the Supreme
22 Court of the State of New York, County of New
23 York.

24 This deposition is being held at the
25 offices of Womble, Carlyle, Sandridge and Rice,

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1 200 West Second Street, Winston-Salem, North
2 Carolina, on Thursday, January 22nd, 1998.

3 My name is John Girdler, I'm the
4 video specialist. The court reporter is Jane
5 Allen. We are here in association with Waga and
6 Spinelli, with offices located at 4 Becker Farm
7 Road, Roseland, New Jersey.

8 Counsel will now state their
9 appearances for the record and the court reporter
10 will swear in the witness.

11 MR. MAISTROS: Jack Maistros, for the
12 plaintiffs.

13 MS. McNAMARA: Kate McNamara, for the
14 plaintiffs.

15 MR. OPSITNICK: Tim Opsitnick, for
16 R.J. Reynolds Tobacco Company.

17 MR. BORSCHKE: Gus Borschke, for
18 R.J. Reynolds Tobacco Company.

19 MR. OPSITNICK: I just have one
20 housekeeping matter that I would like to put on
21 the record before we begin if I may, please, and
22 that is, that this deposition has been cross
23 noticed in the People of California case as well
24 as the Arizona Attorney General case.

25 RONIE LEE WILLARD,

1 having first been duly sworn, was examined and did
2 testify as follows:

3 EXAMINATION

4 BY MR. MAISTROS:

5 Q. Good morning, Mr. Willard, how are
6 you?

7 A. Very well. A little nervous.

8 Q. Pardon me.

9 A. A little nervous.

10 Q. Don't be nervous.

11 My name is Jack Masitros. I
12 represent the plaintiffs in the New York actions.
13 I'm going to ask you some questions today. If
14 you want to take a break, let your counsel know.
15 If you have a question, let me know, we'll take a
16 break. Okay?

17 A. Okay.

18 MR. OPSITNICK: Excuse me. Let me
19 shut that off.

20 BY MR. MAISTROS:

21 Q. Please state and spell your name.

22 A. My name is Ronie, R-o-n-i-e; Lee, L-e-e;
23 Willard, W-i-l-l-a-r-d.

24 Q. Your date of birth?

25 A. February the 7, 1943.

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1 Q. Where were you born?

2 A. About a block from this building in Old
3 Salem.

4 Q. Have you lived here your whole life?

5 A. Except for the years I was away at college.

6 Q. Where do you currently reside?

7 A. I currently reside in [DELETED]

8

9 Q. Where is that located?

10 A. [DELETED]

11 Q. Do you have any plans to move in the
12 near future?

13 A. No, sir.

14 Q. Are you married?

15 A. Yes, I am.

16 Q. What is your wife's name?

17 A. My wife's name is Marilyn Fowler Willard.

18 Q. Do you have any children?

19 A. I have three children.

20 Q. What are their ages?

21 A. My youngest is 15, a son. I have -- my
22 middle daughter is 19, and my oldest daughter is
23 22.

24 Q. Were you ever in the military?

25 A. No, sir, I was not.

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1 Q. Does your wife work for Reynolds or
2 has she ever worked for Reynolds?

3 A. No.

4 Q. Has she ever worked for a tobacco
5 company?

6 A. No.

7 Q. Do any of your children work for
8 Reynolds or have they?

9 A. I have a daughter that worked one summer at
10 Reynolds.

11 Q. Your oldest daughter?

12 A. No.

13 Q. The 19 year old?

14 A. Yes.

15 Q. What did she do?

16 A. She was basically an office assistant type
17 clerk, typing.

18 Q. How long have you been at Reynolds?

19 A. Twenty-nine years.

20 Q. '71?

21 A. '68.

22 Q. '68. I'm not a math major.

23 A. Neither am I.

24 Q. Where did you go to high school?

25 A. I attended Reynolds High School here in

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1 Winston-Salem.

2 Q. What year did you graduate?

3 A. 1961.

4 Q. And then you went to college?

5 A. Yes.

6 Q. Where?

7 A. I went to a junior college for a couple of
8 years. It was called Wingate Junior College.

9 Q. Where is that located?

10 A. Close to Monroe, North Carolina. It is
11 actually in a little town of Wingate.

12 Q. What years were you at Wingate?

13 A. 1961 to 1963.

14 Q. And then where did you go?

15 A. NC State. North Carolina State in Raleigh.

16 Q. What years? :-

17 A. I crammed four years into six, so it was --
18 I got out in 1968.

19 Q. With what degree?

20 A. I had a BS in engineering.

21 Q. Any speciality in engineering?

22 A. It is a general engineering degree called
23 engineering operations.

24 Q. Do you hold an engineers license?

25 A. No.

1 Q. Do you hold any other educational
2 degrees?

3 A. No.

4 Q. So you went straight from college to
5 Reynolds?

6 A. That's correct.

7 Q. Was that your first employment at a
8 tobacco manufacturing facility?

9 A. No, sir. I worked in the summer, the
10 summers, three summers for Reynolds.

11 Q. What did you do?

12 A. A variety of things. I worked in the area
13 called filter making where they made the filters.
14 I worked in the electric shop one summer and then
15 just miscellaneous type jobs one summer.

16 Q. What years was that?

17 A. It was in between those summers that I was
18 at Wingate, so I would say the summer of '61, the
19 summer of '62 and probably the summer of '63.

20 Q. They were better times, I'm sure.

21 A. Different times.

22 Q. Have you ever taught?

23 A. Taught?

24 Q. Taught any courses?

25 A. No.

1 Q. Do you hold any licenses other than a
2 drivers license?

3 A. No.

4 Q. Have you published any papers?

5 A. No.

6 Q. Have you had any chemistry courses?

7 A. I had one in college.

8 Q. Have all of your positions at
9 Reynolds been engineer related?

10 A. No.

11 Q. Why don't you take me through briefly
12 your positions and the years that you held them
13 at Reynolds.

14 A. Okay.

15 Q. I'm not looking for exact dates, but.

16 A. Okay. I was employed in September of '68
17 as an associate engineer in the development
18 department. At that time the research department
19 was located downtown and the development facility
20 was where it is located today, which is in the
21 northern part of town.

22 My responsibilities there were I had a
23 filter lab and filter making area that I was
24 accountable for, plus I had an inventory
25 responsibility.

1 Q. Are you taking about cigarette
2 filters?

3 A. Yes, sir.

4 I worked in that area until October of
5 1975. At that time, I was transferred to the
6 company purchasing department. In purchasing I
7 was a buyer and I purchased raw materials for a
8 division that was called the smoking and plug
9 area. That's where they at that time they made
10 roll your own type cigarettes and chewing
11 tobaccos, and as I worked in that area, obviously
12 I was given more responsibility in terms of
13 purchasing, as usually is the case.

14 In June of 1981, I returned to then what
15 was consolidated the research and development
16 department. They moved all of the two groups
17 together and I worked in an area called domestic
18 brands as a what was called a program manager, as
19 I recall at that time, for one of the brand
20 styles, and from that period until October of
21 1992, I had just different positions and
22 accountability in that domestic brand area.

23 The last few years I was over that area.
24 In 19 -- October of 1992, we had a new gentleman
25 come in from Johnson and Johnson that took over

1 the research and development department, and he
2 asked me to form a group called new business
3 development. He had that at two previous
4 companies, and to see if we could not offset some
5 of the research and development budget by
6 bringing in revenues into the department, so I
7 did that from '92 until June of 1994, and in June
8 of 1994, I was asked to go to the position I have
9 today, which is over the process technology and
10 development area, and I've been there since then.

11 Q. Who is the gentleman that came in
12 from Johnson and Johnson?

13 A. Dr. Carl Lehman.

14 Q. What was the brand that you were
15 program manager for?

16 A. Vantage.

17 Q. Was that a brand that had ultra
18 lights, full flavor, the whole range?

19 A. At that time, it only had, as I recall, it
20 only had the king size, the full flavor and the
21 100, and the king size and 100 of the menthol.

22 Q. Have you had your deposition taken
23 before?

24 A. No, sir.

25 Q. Have you ever been a party to a

1 lawsuit before; a plaintiff or a defendant?

2 A. No.

3 Q. Have you ever testified in court?

4 A. No.

5 Q. Have you ever appeared before
6 congress or any governmental agencies to provide
7 testimony?

8 A. No.

9 Q. Have you ever been interviewed by any
10 governmental employee or agent?

11 A. Not that I recall.

12 Q. The FDA, the FTC, the FBI, Justice
13 Department?

14 A. Not that I recall. I was in local
15 government at one time and I'm just trying to
16 think if somebody talked to me then, but I don't
17 recall ever talking with those type folks.

18 Q. Have you ever participated in the
19 submission of any sworn statements or affidavits
20 to any governmental agency?

21 A. No.

22 Q. Have you ever assisted anyone else in
23 preparing such submissions?

24 A. No.

25 Q. Were you familiar with when Reynolds

1 CO Johnson testified before congress in '94?

2 A. I saw that on TV.

3 Q. Did you prepare him or assist in the
4 preparation of his testimony in any fashion?

5 A. No, sir.

6 Q. Have you ever been interviewed by the
7 media?

8 A. Only when I was in local government.

9 Q. What local government experience do
10 you have?

11 A. I was a part of incorporating Clemmons, the
12 village that I live in.

13 Q. Have you provided any consultation to
14 Reynolds or its counsel in any litigation?

15 A. None that I could recall.

16 Q. Have you talked to anybody at
17 Reynolds that's been deposed in any tobacco
18 litigation?

19 A. Yes, I have.

20 Q. About their depositions?

21 A. No. Just most of my colleagues have done
22 these, have been deposed, and they wished me good
23 luck and told me to tell the truth.

24 Q. What did you do to prepare for your
25 deposition today?

1 A. I have spent several sessions with Tim
2 Opsitnick and Gus Borschke.

3 Q. How many hours?

4 A. We've met about four times, several hours
5 at the time. Maybe three at each time.

6 Q. Did you review any documents in
7 preparing for your deposition?

8 A. No, sir.

9 Q. Did you review any other depositions
10 in preparing for your deposition?

11 A. No.

12 Q. Did you review any statements of any
13 witnesses?

14 A. No.

15 Q. Who is the individual that hired you
16 at Reynolds? :

17 A. The personnel person that --

18 Q. There was a human resource person you
19 interviewed with?

20 A. Yes. A Mr. White was the original person
21 that contacted me about the job. Mr. George Cook
22 was the person in personnel that I eventually
23 signed the documents with.

24 Q. During the course of your 29 years at
25 Reynolds, have you had the opportunity to work

1 with Dr. Debethizy?

2 A. Just as a colleague that reports to Gary
3 Berger, but not in a work relationship.

4 Q. How about Dr. Berger, have you worked
5 with him?

6 A. He's the person that I report to.

7 Q. Did you ever report to David
8 Isbister?

9 A. I was -- yes.

10 Q. In what position?

11 A. He was over -- I'm just trying to recall.
12 He was over R&D -- no, Dr. DeMarco reported to
13 Dave Isbister for a period of time. I did not
14 report directly to Dave Isbister. I reported to
15 Dr. DeMarco, Bob DeMarco.

16 Q. And that would have been when you
17 were in what department or position?

18 A. That was when I was in the domestic brands
19 area.

20 Q. Did you ever report to or work with
21 Dr. Reynolds?

22 A. John Reynolds?

23 Q. Yes.

24 A. Never.

25 Q. How about Dr. Robinson?

1 A. No.
2 Q. Wallace Hayes?
3 A. No, sir.
4 Q. Sam Simmons?
5 A. No, sir.
6 Q. Walter Prichard?
7 A. No, sir.
8 Q. Pat Lipiello?
9 A. No, sir.
10 Q. Michael Shannon?
11 A. Mike Shannon, no, sir.
12 Q. Gary Huber?
13 A. I don't know the gentleman.
14 Q. John Bumgardener?
15 A. No, sir.
16 Q. Tony Galucci?
17 A. No, sir.
18 Q. Alan Reisman?
19 A. No, sir.
20 Q. Charles Green?
21 A. No, sir.
22 Q. We'll definitely finish today.
23 Tell me in 1968 to '75, generally
24 what you did in the engineer development
25 department.

1 A. We -- I worked in a pilot plant facility
2 that serviced the rest of the facility for
3 prototype development. That was the, tobacco
4 International Group, as well as any other group
5 that wanted prototypes. I was accountable for
6 making sure the filters were made and they were
7 on specifications.

8 Q. Was this solely related to filters or
9 did you also get into the rods, tobacco rods?

10 A. I was the filter person. I was the junior
11 at that time.

12 Q. Did this pilot plant also make the
13 rods or were they elsewhere?

14 A. Yes. They combined the rods together.
15 Today it would be called the orientation almost.

16 Q. Were the prototypes you were involved
17 with, those were mostly filter prototypes or
18 cigarette prototypes?

19 A. They were all cigarette prototypes that
20 were made. I just had accountability for the
21 filters to be made.

22 Q. Would you be told how to make them or
23 were you involved in deciding how they were made?

24 A. I was told. They would send down what they
25 wanted.

1 Q. Do you have expertise in filter
2 design or just manufacturing the filters or both?

3 A. I'm not an expert in filter design.

4 Q. Do you understand how cigarette
5 filters work?

6 A. To some extent.

7 Q. Have you ever attended Dr. Townsend
8 or Dr. Norman's cigarette design course?

9 A. No.

10 Q. Have you ever attended any cigarette
11 design course?

12 A. Course, no.

13 Q. Have you attended cigarette design
14 seminars?

15 A. In 29 years, I'm sure I've sat through some
16 seminar type cigarette design work.

17 Q. When you were given different
18 prototypes to manufacture, is that fair to say
19 what you were doing, you were given specs to
20 manufacture a certain type of filter?

21 A. I was given specs to make the cigarettes,
22 and the filters are part of those specifications.

23 Q. Were you told exactly what filter
24 material to use, what paper to use? Did you have
25 any role in selecting that?

1 A. No. They were always specified.

2 Q. Did you know what the goal of any of
3 those prototypes was?

4 A. Not then.

5 Q. By not then, at some point --

6 A. Well, I think as you, you know, stay with
7 the company for a period of time, you understand
8 more, you have a better knowledge of what it is
9 about.

10 Q. Did any of the filters that you
11 worked on in '68 to '75, make their way into
12 commercially sold products?

13 A. Yes.

14 Q. Which ones?

15 A. The Doral plastic filter product.

16 Q. Any others?

17 A. There just wasn't a lot of activity back
18 during that period of time except for the Doral
19 was a big product.

20 Q. Now in '68 to '75, that facility was
21 downtown?

22 A. No, sir. That was a development center out
23 at the northern area of town.

24 Q. What is that called, that area?

25 A. It is called the Bowman Gray Technical

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1 Center.

2 Q. In the '68 to '70 time period, did
3 Reynolds have an animal facility that you are
4 aware of?

5 A. I've become aware that we did, and that was
6 in the research area.

7 Q. Where was that located?

8 A. Down on Chestnut Street, where the old
9 research building was.

10 Q. When did you first discover they had
11 an animal testing facility?

12 A. I cannot tell you a date. I just have
13 learned over the years that we had one.

14 Q. Do you know why David Ibister left
15 Reynolds?

16 A. No, I don't.

17 Q. Do you know if he resigned or if he
18 was fired?

19 A. My understanding is that he resigned.

20 Q. Did you ever work with David Iokui?

21 A. I've interacted with Dave Iokui. He's been
22 in the marketing department, but I have never
23 worked for David Iokui.

24 Q. From '68 to '75, is it fair to say
25 that everything you did was related to making

1 filter prototypes or cigarette prototypes?

2 A. My role was strictly in the filter area
3 during that '68 to '75.

4 Q. Were you ever advised in the course
5 of making those filters what the function of
6 those filters was intended to be?

7 A. During that period of time, I was a
8 reasonably new engineer, and that just didn't --
9 wasn't something I was, you know, interested in.

10 Q. Did you know what the functions of
11 any of the prototype filters you were making
12 were; in other words, did anyone advise you this
13 filter is intended to reduce certain chemical
14 compounds and this filter is intended to make
15 draw easier?

16 A. No.

17 Q. Where would you receive the
18 specifications for the filters you were making?

19 A. They would come from the Tobacco
20 International people who had responsibility for
21 brands or from the domestic brands area.

22 Q. Who was your supervisor '68 to '75?

23 A. Mr. Tom Eskew.

24 Q. Askew?

25 A. Eskew, E-s-k-e-w.

1 Q. What was his title?

2 A. I just don't recall.

3 Q. Did you, in that '68 to '75 time
4 period, receive any promotions?

5 A. No, I did not.

6 Q. Did you receive any demotions?

7 A. No, sir.

8 Q. Have you ever been disciplined in any
9 fashion at Reynolds?

10 A. No.

11 Q. Have you ever been demoted?

12 A. No.

13 Q. Ever applied for any positions that
14 you did not receive?

15 A. No.

16 Q. In the '68 to '75 time period was
17 Reynolds making all of its own filters?

18 A. No.

19 Q. Where were they obtaining their
20 filters?

21 A. They purchased the Vantage filter from
22 American Filtron.

23 Q. The filters you were making, these
24 were strictly prototypes, you weren't making the
25 commercially sold filters?

1 A. Right. These were the cellulose acetate
2 white looking filters.

3 Q. What are those, the ones you were
4 making?

5 A. Yes.

6 Q. There was a separate facility at
7 Reynolds that made all the filters for all the
8 commercially sold cigarettes, separate from where
9 you were?

10 A. Yes. We were just a pilot facility. The
11 manufacturing department had their own filter
12 making facility, except for the ones that were
13 purchased from American Filtron and the Doral
14 plastic filters.

15 Q. Did your pilot facility have tobacco
16 making capabilities?

17 A. Tobacco --

18 Q. Rod.

19 A. Yes.

20 Q. Were they similar to the facilities
21 that made the commercially sold cigarettes?

22 A. Yes, sir. They are just --

23 Q. Smaller scale?

24 A. Smaller scale.

25 Q. Did your pilot facility have

1 capabilities to make reconstituted tobacco?

2 A. No.

3 Q. Expanded tobacco?

4 A. No.

5 Q. Denicotized tobacco?

6 A. No.

7 Q. So just standard --

8 A. It was a mini factory, and not very
9 sophisticated at all at that time.

10 Q. Did it have capabilities for making
11 perforations in the paper or filter wraps?

12 A. Not at that time.

13 Q. Were you advised of the type of
14 tobacco that was going into the prototypes?

15 A. I wasn't involved with the tobacco during
16 that period of time. I was only the filter
17 person.

18 Q. Did you ever design any filters that
19 had additives applied to them?

20 A. No.

21 Q. In the '68 to '75 time period I'm
22 talking about, did you ever make a filter
23 prototype that had any additives?

24 A. I just cannot say for certain that we did
25 not, because there were a number of prototypes

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1 that went through there during those years.

2 Q. In that '68 to '75 period, did you
3 make any filters that had additives applied to
4 the filter wraps?

5 A. I don't know that.

6 Q. Were you involved in the application
7 of any coatings or top dressings in '68 to '75?

8 A. No, sir.

9 Q. Did you, other than the plastic
10 filter you cited, did you employ any special
11 types of materials in the filters, other than the
12 cellulose acetate?

13 A. The plastic filter and the Vantage
14 purchased filter are the only two that I can
15 recall.

16 Q. Why was Vantage different?

17 A. Well, it is a hardened, steamed, bonded rod.
18 as opposed to the fluffy looking white stuff you
19 see on the end of the filter on most cigarettes.

20 Q. Do you know what the CORESTA numbers
21 are?

22 A. No.

23 CORESTA numbers?

24 Q. Right.

25 A. I may be wrong about this. I think it is a

1 measure of paper porosity.

2 Q. How did your duties change in '75?

3 A. In 1975, I went to the purchasing
4 department as a buyer and I learned the art and
5 trade of purchasing materials for our company.

6 Q. All materials?

7 A. No. It started out, again, on a very basic
8 level, a few materials in the area of smoking and
9 plug as that division was called, which is where
10 the chewing tobaccos and the roll your own type
11 products were made. I would buy the materials
12 for those products.

13 Q. How did it change between '75 and
14 '81?

15 A. As I learned more about negotiating,
16 dealing with suppliers and understanding, you
17 know, those type of tools or skills, I was given
18 more accountability.

19 Q. Did you ever purchase tobacco?

20 A. Never.

21 Q. Did you purchase additives that went
22 into tobacco?

23 A. No.

24 Q. Did you purchase processing aids used
25 in the manufacturing of tobacco?

1 A. No.

2 Q. Did you purchase paper?

3 A. Yes.

4 Q. From where did Reynolds purchase its
5 paper?

6 A. Reynolds had several suppliers of paper.
7 Acusta Paper Company, Kimberly Clark, and a
8 foreign source, Mauduit.

9 Q. How do you spell that?

10 A. M-a-u-d -- M-a-u-d-u-i-t, I think. That's
11 not one of my strong points.

12 Q. Did -- during the course -- and this
13 is all '75 to '81?

14 A. '75 to '81.

15 Q. During the course of that period, did
16 you purchase cigarette papers that had the design
17 capability of controlling nicotine deliveries?

18 A. We've never designed or purchased things to
19 control nicotine. We purchased different types
20 of paper that controlled burn rate.

21 Q. Have you ever seen any of those three
22 paper manufacturers advertise that they sell
23 cigarette papers that can be used to control
24 nicotine yields?

25 A. No.

1 Q. And you never -- tell me what it is
2 you did purchase since you didn't purchase
3 tobacco or additives or processing agents.

4 A. I purchased, as I stated earlier, the
5 materials for the smoking and plug area, which
6 would be the tin that were made into Prince
7 Albert cans. I purchased roll your own papers
8 that were used for roll your own cigarettes. I
9 purchased cigarette paper. This is -- I'm giving
10 you the litany over time, cigarette papers from
11 different paper suppliers.

12 Eventually by the time that I had been
13 there a number of years, I purchased the
14 cigarette filter material and also the purchase
15 filters from American Filtron. Those are some of
16 the items that I purchased. ::

17 Q. During this '75 to '81 period did you
18 purchase any materials that were applied to the
19 filters?

20 A. Yes.

21 Q. What materials?

22 A. Triacetin.

23 Q. What is that?

24 A. It's a -- my understanding is, it is a
25 flavor aid and also processing aid for the

1 filter. It helps with the processing of it on
2 the maker.

3 Q. Triacetin?

4 A. Yes.

5 Q. It is not a plaszticizer?

6 A. Yes, it is.

7 Q. Any other materials that were used in
8 the filter?

9 A. That's all I recall.

10 Q. Did you ever have responsibilities
11 for purchasing ammonia?

12 A. No, sir.

13 Q. Diammoniumphosphate?

14 A. No, sir.

15 Q. Freon?

16 A. No, sir.

17 Q. Levulinic acid?

18 A. No.

19 Q. In the '75 to '81 period, did you
20 have anything at all to do with the processing of
21 tobacco?

22 A. No.

23 Q. Did you ever even see tobacco in '75
24 to '81?

25 A. You mean like going to a plant or something

1 like that?

2 Q. As part of your job.

3 A. No.

4 I take that back. When I had the smoking
5 and plug area, I did go down and see how it was
6 made sometimes in terms of how to negotiate with
7 the different suppliers for materials.

8 Q. Up to '81, had you been involved in
9 the reconstituted tobacco process?

10 A. No.

11 Q. Expanded tobacco?

12 A. No.

13 Q. Denicotized tobacco?

14 A. No.

15 Q. Did you ever become involved in those
16 processes?

17 A. In what way?

18 Q. In any way.

19 A. The current job I have now, we have a pilot
20 facility that makes reconstituted sheet
21 prototypes for the developers.

22 Q. How about in '81 to '92, how did your
23 duties change?

24 A. From '81 to '92, I initially, again,
25 started out as a one brand program manager as

1 they were called, primarily interacting with the
2 brand manager in marketing, and as, just like in
3 purchasing, as you get a little more experience
4 in that over time, your accountability in terms
5 of number of brands increase, so that's -- that
6 was for a number of years, and then eventually I
7 became the manager of that group.

8 Q. As purchasing department buyer, were
9 you a manager of people?

10 A. I only had a secretary.

11 Q. Was this then your first real
12 management position at Reynolds, in R&D?

13 A. That really wasn't a managing position,
14 that first job.

15 Q. I mean the brands manager.

16 A. I had, when I had my first job with --
17 Reynolds as associate development engineer, I had
18 a group of people that reported to me that did
19 the cigarette -- the filter lab and the making,
20 small group.

21 Q. But as brands manager you actually
22 supervised people?

23 A. When I became the manager, yes.

24 Q. How many people?

25 A. It varied over the years from, I would say

1 from ten to at one time I think we had forty when
2 we were going through a sort of a transition of
3 new people coming in to lead the department.

4 Q. Was that pretty much a different
5 position, going from purchasing to brands
6 management?

7 A. Pretty much.

8 Q. Was that something that you asked for
9 or they asked you?

10 A. No. They asked me.

11 Q. Had you ever been involved at all in
12 any marketing aspect of any products?

13 A. No.

14 Q. What was your typical day like or
15 duties like as brands manager?

16 A. When I was asked to take that job, I was
17 asked to make sure that we had a good rapport
18 with the marketing area. Sometimes scientists
19 and marketing people don't always talk so as they
20 understand each other.

21 One of my main accountabilities was to make
22 sure that we had a good rapport with the
23 marketing area, so I spent some time trying to
24 manage that environment so I would spend time
25 with the brand manager and those groups.

1 The rest of the time would be spent based
2 on whatever the development activity of the day
3 was with the different folks in my group.

4 Q. Well, were you involved in the
5 manufacturing end of the cigarette?

6 A. No.

7 Q. Just the marketing end?

8 A. Well --

9 MR. OPSITNICK: Objection,
10 mischaracterizes his testimony.

11 THE WITNESS: We worked with the R&D
12 folks who were new products. We were almost the
13 facilitators between the product development and
14 the marketing area.

15 BY MR. MAISTROS:

16 Q. Were you familiar with how the
17 cigarettes in your brand were constructed?

18 A. I had a working knowledge.

19 Q. Were you familiar with how they were
20 distributed out to the market?

21 A. Not really at that time.

22 Q. Now this brands manager wasn't part
23 of marketing of Reynolds?

24 A. No. This is research and development.

25 Q. Did those duties you had ever change

1 between '81 and '92? Did you always remain a
2 facilitator?

3 A. Well, it is a constantly changing world,
4 but the primary accountability and
5 responsibilities and objectives stayed pretty
6 much the same. We were line extending back in
7 those days. That was our big line.

8 Q. Who was your supervisor in '81?

9 A. 1981 it was John McKenzie.

10 Q. Did you interact with Frank Colby?

11 A. No.

12 Q. Lynn Beasley?

13 A. I know who Lynn Beasley is and had worked
14 briefly when she had one of the minor brands.

15 Q. What was your contact with her?

16 A. I was accountable with - for the domestic
17 brands at R&D and she had the More brand and
18 marketing, so we worked on product improvement
19 for More.

20 Q. Did you interact with Brenda Wheeler?

21 A. I'm not familiar with Brenda Wheeler.

22 Q. Were you involved in the '81 to '92
23 time period, with any actual design of the
24 cigarette?

25 A. No.

1 Q. Did you know what tobacco went into
2 the tobaccos you were overseeing?

3 A. I'm sorry.

4 Q. Did you know what tobacco went into
5 the cigarettes you were overseeing?

6 A. Yes.

7 Q. How did you know that?

8 A. It just, I mean, it is pretty simple. We
9 had five types. Five types of components that go
10 into the product.

11 Q. What are the five types?

12 A. Flue-cured, burley, Turkish, expanded
13 tobacco and reconstituted sheet.

14 Q. How many different types of
15 reconstitute, the sheet, did you have in '81?

16 A. I have no idea.

17 Q. Do you know how those reconstituted
18 sheets were made in '81 to '92 time period?

19 A. I have a working knowledge now of that.
20 I'm not sure I had that in '81. I'm pretty sure
21 I did not.

22 Q. Where were the rereconstituted
23 tobaccos made in '81 to '92?

24 A. I'm not sure when our pilot facility was
25 put in place, but it was after that, so it must

1 have been manufacturing.

2 Q. Do you know when Reynolds switched
3 from freon to carbon dioxide in its expanded
4 tobacco?

5 A. Time flies. I know it's been -- I cannot
6 tell you a date, but it's been several years ago.

7 Q. Does Reynolds utilize freon in any of
8 its tobacco manufacturing facilities today?

9 A. No.

10 Q. When was the last time they would
11 have?

12 A. When we switched from the freon the dyed
13 process.

14 Q. Would that have been before '94?

15 A. It is whenever we were required to do it.
16 Like I said, time flies. I think it was. --

17 Q. You never had supervisory responsible
18 over the reconstituted tobacco process?

19 A. I have since 1994, of the pilot facility.

20 Q. That's distinguished from what?

21 A. From the manufacturing facility.

22 Q. You've never had any responsibility
23 over the Reynolds reconstituted tobacco
24 manufacturing facility?

25 A. No, sir.

1 Q. How about the expanded tobacco
2 facility?

3 A. No, sir.

4 Q. In '81 to '92, did you know what if
5 any additives were used in the cigarettes at
6 Reynolds?

7 A. No.

8 Q. Do you know what processing aids were
9 used?

10 A. What do you mean by processing aids?

11 Q. Anything used in the manufacturing
12 process that might be distinguished from an
13 additive, just used in the process of processing
14 the tobacco.

15 A. Some humectants are used as processing
16 aids.

17 Q. Do you know which ones?

18 A. Glycerine, as I recall. I'm not sure if
19 they used it then, but I know that they do know.

20 Q. Did you participate at all in the
21 preparation of the list of additives and
22 processing aids that were submitted each year to
23 health and human services?

24 A. No.

25 Q. Do you know why Dr. Townsend would

1 have identified you as the most knowledgeable
2 person about reconstituted tobacco at Reynolds?

3 A. I thought about that a lot.

4 Q. Wait until I find him.

5 A. I'm sorry.

6 I am making the assumption he was pressed
7 to name someone. I am over the reconstituted
8 sheet pilot plant. I assume that's the
9 connection.

10 Q. Let me ask you, who do you think is
11 the most knowledgeable person about reconstituted
12 tobacco?

13 A. From a manufacturing standpoint?

14 Q. Yes.

15 A. I would say Mr. Tim Martin.

16 Q. What is his title?

17 A. Director of manufacturing process
18 development or processing.

19 Q. Would he also have knowledge about
20 expanded tobacco?

21 A. Yes, he would.

22 Q. How long has he been at Reynolds?

23 A. Many years. I don't know exactly how many.

24 Q. Is he currently employed at Reynolds?

25 A. Yes, he is.

1 Q. Is he there today by any chance?

2 A. He's a pretty dedicated employee.

3 MR. MAISTRO: Can we take a break?

4 THE VIDEOGRAPHER: We're going off
5 the record at 10:23 a.m.

6 (RECESS TAKEN)

7 THE VIDEOGRAPHER: We are going back
8 on the record at 10:42 a.m.

9 BY MR. MAISTROS:

10 Q. Tell me specifically what your
11 involvement is in the reconstituted process from
12 '81 to '92.

13 A. I had no involvement.

14 Q. Just general familiarity with the
15 process?

16 A. Yes.

17 Q. You don't know what processing aids
18 were used in the recon process during that time
19 period?

20 A. No. I wasn't involved in that.

21 Q. As a brands manager, were you kept
22 apprised of the research that the research and
23 development department was doing?

24 A. We were aware of projects from time to
25 time, if it applied to a brand development issue.

1 Q. Did you work on project Premiere?

2 A. No, sir.

3 Q. VRP?

4 A. I'm not familiar with VRP.

5 Q. Did you have any outside duties as
6 brands manager, that is were you assigned to any
7 projects?

8 A. Throughout my career, I have had a somewhat
9 of a focus on cost reduction, working with
10 manufacturing and operations, and if that's what
11 you mean, I have participated throughout my
12 career in those type of activities.

13 Q. Did you ever work on any projects
14 that involved prototype cigarettes that had the
15 purpose of reducing compounds of concern; if you
16 will? Do you know what I mean by compounds of
17 concerns?

18 A. Yes.

19 Q. Did you ever work on any such
20 projects?

21 A. Not that I can recall.

22 Q. Did you ever work on any projects
23 where the goal was to decrease or increase the
24 tar to nicotine ratio of cigarettes?

25 A. I'm familiar that some of those projects

1 went on, but I didn't work on them.

2 Q. Do you know what nicotine transfer
3 efficiency is?

4 A. No, sir.

5 Q. Do you know how nicotine is
6 metabolized by the body?

7 A. No, sir.

8 Q. Do you know what nicotine yield is?

9 A. No, sir.

10 Q. Do you know what the FTC testing
11 method is?

12 A. I know we use the FTC testing method to
13 monitor our products, and it was set up as a
14 standard to test products by.

15 Q. Do you know how the test works?

16 A. No, sir. I've seen cigarettes being smoked
17 for that, but I don't know their operation.

18 Q. Did you ever work on any tobacco
19 filter substitutes?

20 A. No, sir.

21 Q. Have you ever had any involvement in
22 tobacco additives?

23 A. No.

24 Q. Have you ever had any involvement in
25 tobacco processing aids?

1 A. I gave you an example before about
2 humectants that were used as a processing agent.
3 Other than that, I don't recall any.

4 Q. Are you familiar with Reynolds' use
5 of diammoniumphosphate or ammonia in its tobacco
6 manufacturing?

7 A. Yes.

8 Q. What is your knowledge of that?

9 A. That we use ammonia in some of our G7
10 sheets.

11 Q. In what way?

12 A. What do you mean by that, sir?

13 Q. Do you know how it is used?

14 A. It is just applied on the sheet.

15 Q. At what point in the process?

16 A. At the point where the solids are removed
17 at a centrifuge area and the water extract is
18 sent over to an evaporator and at that point
19 after it goes through the evaporation the ammonia
20 is applied in a holding tank.

21 Q. Is it liquid ammonia?

22 A. We use both.

23 Q. Both being what?

24 A. The diammoniumphosphate comes in bags. It
25 is mixed in the tank with a solution of water, is

1 my understanding. The other is an aqueous
2 aqueous ammonia.

3 Q. Did you ever use gaseous ammonia?

4 A. I don't recall.

5 Q. What is the purpose of either the
6 diammoniumphosphate or the aqueous ammonia?

7 A. My understanding is, that somewhere there
8 was some testing done that demonstrated that when
9 used on prototypes, that it performed better when
10 tested among consumers in the area of smoothness.

11 Q. So it is used for the purpose of
12 effecting the taste of the tobacco?

13 A. It plays a role in the -- apparently, in
14 the performance of the taste.

15 Q. Have you heard of any other purpose
16 of use of ammonia?

17 A. I've heard that ammonia helps with some of
18 the processing of that sheet somewhat. That's
19 just --

20 Q. Do you know if ammonia or
21 diammoniumphosphate is used in the denicotization
22 process?

23 A. We don't have a denic process anymore.

24 Q. Do you know if it was used?

25 A. I can't imagine why it would be, but I

1 don't know.

2 Q. Did you have any involvement in the
3 denic process?

4 A. No, sir.

5 Q. When you were in the purchasing
6 department, did you ever purchase nicotine?

7 A. No.

8 Q. Describe for me if you will, the
9 reconstituted tobacco pilot plant that you
10 referred to.

11 A. It is about a 10,000 foot facility. It
12 has, I'm sure you know, it is a paper making
13 process, designed after a Fordnere machine. It
14 is a Fordnere machine.

15 We put stems and small tobacco particles,
16 the first thing they do is they chew up the
17 stems, put it in a holding tank and then they --
18 with water, and then the small tobacco particles
19 are added at that point in a holding tank with
20 water. It is sent to a centrifuge where it is
21 separated. The solids then go to another holding
22 tank type area, where it is recycled back and
23 forth to get the fibers such that the water will
24 flow efficiently through the fibers. And, the
25 water extracts go to an evaporator unit where

1 they try to get the solids out, and then that
2 extract is held to -- the fibers are sent to what
3 is called a stock chest, and it is put on a big
4 table, water table. The water is sucked out,
5 sent through a dryer and the extract is then
6 applied on both sides of the sheet.

7 Q. How does it differ from the
8 manufacturing facility?

9 A. It is just a mini, mini process, mini size.

10 Q. Does it mirror the recon
11 manufacturing facility process?

12 A. We just put in a new manufacturing Fordnere
13 big machine, and to the best of my knowledge, it
14 reflects that big machine.

15 Q. Where is the ammonia or
16 diammoniumphosphate added in this process? --

17 A. At the holding area at the evaporator
18 holding tank.

19 Q. Why do you have a mini recon process?

20 A. Well, that was the reason we have it is, to
21 provide prototype sheet making for the big pilot
22 plant where they put the components together and
23 they wouldn't have to interrupt the big
24 manufacturing process to get that.

25 Q. Are there any other processing aids

1 that are used other than ammonia or
2 diammoniumphosphate?

3 A. Glycerine is used at some level. It makes
4 the sheet more pliable.

5 Q. Are there measurements taken during
6 the course of this process of the PH of water
7 extract?

8 A. The only thing that I know we measure is,
9 the percent moisture in the water solubles.

10 Q. Is there any sort of by-product of
11 this process that's shipped off or incinerated?

12 A. There is a loss of nicotine in the sheet as
13 it is produced, and there is water solubles that
14 come off that. I'm sure -- well, I know it has
15 some solids in that, that is either sent down the
16 drain, we are permitted to do that, or in the
17 dryer it is flashed off and any that would be
18 left, would be incinerated.

19 Q. Does this pilot plant have the
20 capabilities of manufacturing all the different
21 types of reconstituted tobacco?

22 A. It is a pretty flexible plant.

23 Q. How many different types can it make?

24 A. It would probably depend on the capability
25 of the machine. You know, a paper making process

1 is dependent upon the amount of fiber that you
2 can put on that table so that it holds together,
3 so I'm sure that over time there has been lots of
4 experiments of -- matter of fact, my area of
5 interest would be how you could effectively
6 utilize stems which are reasonable cheap and as
7 little scrap as possible, so I know there has
8 been a lot of cost reduction efforts along those
9 lines.

10 Q. Does the recon process at Reynolds
11 only involve stems?

12 A. It has stems and small pieces of tobacco.
13 Dust and small pieces of tobacco.

14 Q. Is there only one type of
15 reconstituted tobacco plant at Reynolds?

16 A. Yes.

17 Q. Mr. Martin is in charge of that now?

18 A. Mr. Martin is overall processing.

19 Q. Has -- and again, your involvement
20 with the pilot plant has been '92 to '94?

21 A. '94. From '94 to current.

22 Q. What different types of prototypes of
23 recon tobacco have you worked on since '94?

24 A. I cannot tell you specifically the types,
25 but it has been just a wide range. Personally,

1 the people that report to me, have made a number
2 of cost improvement type sheets.

3 Q. Have substitutes for
4 diammoniumphosphate or ammonia been looked at?

5 A. I cannot answer that as a yes, but I would
6 not -- I can't say for sure that they have not.

7 Q. What are the different, I mean, what
8 are the variations -- give me an example of the
9 variations that are employed in the different
10 prototypes of recon paper.

11 A. Okay. You could have a -- currently most
12 of the manufactured sheets, and this has been
13 awhile since that I'm familiar with this, is
14 about a 68 percent stem content and a 32 percent
15 what we call scrap, which is small tobacco, that
16 would be considered a standard sheet from a cost
17 effective standpoint. You can vary that stem
18 content as much as you want to, until it will not
19 flow on the sheet and hold together as a rigid
20 sheet, so as an example, you could go 60/40,
21 50/50. Lots of combinations like that.

22 Q. Are these stems flue-cured, Turkish,
23 oriental, all three?

24 A. They have been -- I'm sure all kinds have
25 been experimented with over time.

1 Q. Well, the recon tobacco that Reynolds
2 makes at its plants, is it all three types of
3 plant, is it all three types of stems, one type
4 different paper with different stems?

5 A. I'm just not close to the specifications.

6 Q. Where do you get the stems for your
7 pilot plant?

8 A. From manufacturing.

9 Q. Do you know if they are flue-cured,
10 or burley or Turkish?

11 A. They are all kinds we just do the
12 prototypes, and whatever the developers want, we
13 will do it for them.

14 Q. Are you told what tobacco to use in
15 the prototypes?

16 A. We are told what to make.

17 Q. Does it come in bags or boxes of
18 flue-cured, separated from burley?

19 A. Yes. They would come in independent, I
20 think. They would come in boxes of flue-cured or
21 boxes of burley, and the gentleman that is over
22 that facility, basically handles that
23 arrangement, but that's my understanding.

24 Q. Do you know what the on average the
25 nicotine content is of flue-cured versus burley?

1 A. Stems or tobacco or -- I know -- I have
2 just a working knowledge of flue-cured and burley
3 are in the -- tobacco is, dependent upon the
4 stalk position, I do know that there is different
5 levels, but in the average I would say a three.

6 Q. Do you know if the transfer
7 efficiency of the nicotine and flue-cured is
8 different than burley?

9 A. I don't know that.

10 Q. Have you been provided any
11 experimental tobacco to use on recon?

12 A. That's a possibility. I just don't know.

13 Q. Have you been told to experiment with
14 using any additives, other than ammonia or
15 diammoniumphosphate or the humectants?

16 A. I know that we've used some different:--
17 tested some different binders before. Guar gum
18 is one that I recall.

19 Q. What is it?

20 A. Guar gum.

21 Q. How do you spell that?

22 A. I'm just not a good speller. It is a type
23 of binder.

24 Q. Do you know, are you told when you
25 are given additives to experiment with in the

1 recon process what the purpose of the additive
2 is?

3 A. Typically.

4 MR. OPSITNICK: Objection,
5 mischaracterizes his testimony.

6 THE WITNESS: We are -- we basically
7 provide prototypes to the -- for the developers.
8 BY MR. MAISTROS:

9 Q. You are not told what the goal of the
10 prototypes is?

11 A. No.

12 Q. Has Reynolds done any work on
13 attempting to expand reconstituted tobacco?

14 A. Expand it?

15 Q. Yes. Expanded reconstituted tobacco?

16 A. I'm sure it has been looked at.

17 Q. But you haven't?

18 A. I don't recall ever running the
19 reconstituted sheet through an expand process.

20 Q. Do you test for the nicotine content
21 of your reconstituted tobacco?

22 A. We test for moisture and water solubles.

23 Q. Do you have any reconstituted tobacco
24 facilities outside of North Carolina?

25 A. No.

1 Q. Have you added any -- do you know if
2 you've added any processing aids or chemicals to
3 the recon process for the purpose of effecting
4 the burn rate of the reconstituted tobacco?

5 A. I do know that diammoniumphosphate effects
6 burn rate of the reconstituted sheet.

7 Q. Do you know how many different types
8 of reconstituted tobacco Reynolds currently
9 manufactures?

10 A. I know it is more than one. It is more
11 than two, but I don't know how many exactly.

12 Q. Is the ammonia heated before it is
13 reapplied to the reconstituted tobacco sheet?

14 A. Not to my knowledge.

15 Q. Is the water extract heated before it
16 is reapplied? ::

17 A. I don't know the temperature of that
18 holding tank.

19 Q. Is there any forced pressurization
20 application of ammonia to the reconstituted
21 tobacco sheet?

22 A. I don't know the answer to that.

23 Q. The material that is a by-product of
24 the pilot plant, where is that kept?

25 A. The materials that are left over?

1 Q. Yes.

2 A. If it is like burley stems or flue-cured
3 stems, we probably keep what is left over for the
4 next run. Any sheet that's left is either land
5 filled or sent to the incinerator or, I guess
6 those would be the two areas we deal with.

7 Q. And the water extract is sent where?

8 A. It is sent down to the sewer.

9 Q. Do you know if the recon process ever
10 utilized any of the extract from the KDN process?

11 A. No.

12 Q. You don't know?

13 A. No. I know that the KDN process was to
14 take nicotine out of burley.

15 Q. Do you know how much it took out?

16 A. Not a specified percentage.

17 Q. Are you familiar with any other
18 tobacco manufacturer's reconstituted tobacco
19 processes?

20 A. Like our competitors or --

21 Q. Yes.

22 A. I know that Phillip Morris has a catch
23 sheet.

24 Q. Have you attempted to develop a
25 process similar to that?

1 A. Yes.

2 Q. What years?

3 A. Over the years.

4 Q. You personally?

5 A. No.

6 Q. Have you ever attended or been a
7 participant in any meetings concerning nicotine?

8 A. I've been around here 29 years. I've been
9 in meetings where nicotine has been discussed.

10 Q. Did you ever hear anyone at Reynolds
11 suggest that nicotine was addictive or habit
12 forming?

13 A. No.

14 Q. Do you smoke?

15 A. No, sir.

16 Q. Have you ever?

17 A. No, sir.

18 Q. Have you heard of the Nicotine Analog
19 Committee?

20 A. Committee?

21 Q. Yes.

22 A. I've heard of nicotine analog.

23 Q. Have you heard of the Nicotine Analog
24 Committee?

25 A. I don't think I've heard of it referred to

1 as the Nicotine Analog Committee.

2 Q. How about CONAR?

3 A. No.

4 Q. How about the Committee On Nicotine
5 Analog Research?

6 A. The term committee is the one I'm -- I've
7 heard of the nicotine analog work.

8 Q. What is your understanding of that
9 work?

10 A. It is primarily, it is being viewed as an
11 opportunity to leverage some of our technology
12 with a pharmaceutical company.

13 Q. Do you know what its original purpose
14 was?

15 A. No.

16 Q. Are you a member of any internal
17 committees or groups or programs at Reynolds or
18 have you been in the past?

19 A. Not to be redundant, but I've been there 29
20 years, and I've been on lots of committees. I
21 was on safety committees. My, again, I think I
22 thrust that I have been on more than once is this
23 cost reduction effort, and I played, I think, a
24 major role in that over the years.

25 Q. Did you ever participate in -- are

1 you familiar with the Reynolds strategic plans
2 that are issued from time to time?

3 A. From time to time I see the strategic
4 plans.

5 Q. Did you ever participate in
6 formulating those?

7 A. Only if there is a portion in there that
8 Dr. Berger or somebody asked for input where he
9 would then have some input, but other than that,
10 no.

11 Q. In the '92 to '94 time period as new
12 business development group, tell me what you did
13 in those two years.

14 A. Again, this was an attempt, Dr. Eman's
15 objective was to offset 25 percent of our budget
16 with new revenue, and we looked at our
17 intellectual properties, we looked at our
18 resources we had, such as analytical labs and
19 tried to contract research or contract out those
20 type of services to generate income. That was
21 some of the things that we did.

22 Q. What did you do personally?

23 A. Personally, I worked with people like
24 Grover Myers looking at patents, spent a lot of
25 time with Dr. Eman trying to understand his

1 vision on this, and worked with some of our
2 counterparts, my counterparts trying to determine
3 if we had sufficient resources available to do
4 this contract stuff and then trying to leverage
5 that.

6 Q. Did you work on any specific
7 cigarette prototypes or projects?

8 A. Cigarette?

9 Q. Yes.

10 A. No.

11 Q. Did you work on EW?

12 A. No.

13 Q. Eclipse?

14 A. No.

15 Q. Winston No Bull?

16 A. No.

17 Q. Did you work on any "safer,"
18 cigarette projects?

19 A. If you mean -- are you referring to reduced
20 chemistry type?

21 Q. We can start there.

22 A. That's no.

23 Q. Did you work on any reduced nicotine
24 projects?

25 A. No.

1 Q. Any reduced tar projects?

2 A. Are you referring to a time frame or ever?

3 Q. Ever.

4 A. When I worked in the brand development area
5 I was over that area, and we did a number of line
6 extensions during that period of time which had
7 reduced tar and nicotine. They were called, you
8 know, we moved to ultra lights and lights type
9 products.

10 Q. Were you familiar at all with
11 Reynolds' use of levulinic acid?

12 A. I'm familiar that we used levulinic acid.

13 Q. Where did you use it?

14 A. It was strictly a research effort.

15 Q. Did you ever test market cigarettes
16 with levulinic acid?

17 A. No. Not to my knowledge.

18 Q. Did you ever do consumer testing with
19 levulinic acid cigarettes?

20 A. Not to my knowledge.

21 Q. What was the stated purpose of
22 researching the use of levulinic acid?

23 A. I certainly wasn't in those groups that did
24 that work, so I'm not sure I could state the
25 objective for that, although I know that we were

1 evaluating how nicotine type products, some
2 period of time in there.

3 Q. Do you know what project REST was?

4 A. I'm familiar with that term.

5 Q. What is that?

6 A. To the best of my knowledge, it was a
7 process that just took the tobacco apart into
8 pieces, separated everything into groups.

9 Q. For what purpose?

10 A. I guess to -- it was research. It was a
11 very fundamental project, as I understand it.

12 Q. Do you know what project XDU was?

13 A. I could not tell you what it was.

14 Q. How about XGT?

15 A. I think that was the code name for or the
16 name for Premiere.

17 Q. How about RSM?

18 A. No, sir.

19 Q. J2000?

20 A. J2000 was an expanded grain project, I
21 think. I'm speculating on that one.

22 Q. Grain?

23 A. Yes.

24 Q. Like what kind of grain?

25 A. Popcorn.

1 Q. To be used as a tobacco filler?

2 A. As research. In our department people have
3 lots of ideas. They are allowed to explore
4 different things. Again, I cannot tell you for
5 sure that's what it was.

6 Q. Do you know what an invention
7 disclosure memorandum is?

8 A. Yes.

9 Q. Did you ever file any?

10 A. No.

11 Q. Did you ever -- is your name on any
12 patents?

13 A. Not that I know of. I would probably know.
14 We get a dollar, I think, if you have one.

15 Q. You get a dollar?

16 A. You get a dollar.

17 Q. Do you know or have any involvement
18 in project RAN?

19 A. No.

20 Q. How about chemosol, c-h-e-m-o-s-o-l?

21 A. I'm not familiar with it.

22 Q. Were you ever on the, or did you ever
23 attend any meetings of the Tobacco Industry
24 Research Committee?

25 A. Is that the -- are you referring to the

1 tobacco chemist conference?

2 Q. No.

3 A. No.

4 Q. You've attended the tobacco chemist
5 conference?

6 A. I attended the one where the Premiere
7 product was introduced.

8 Q. Did you participate in the marketing
9 of Premiere?

10 A. No.

11 Q. What was the occasion that you had to
12 attend that conference?

13 A. I just -- we were going to introduce it and
14 lots of PR about it. I had the opportunity to
15 go.

16 Q. Who was in charge of the PR related
17 to Premiere?

18 A. It was someone in the marketing department.

19 Q. You had nothing to do with the filter
20 of Premiere or the manufacturing of the Premiere?

21 A. No.

22 Q. Did you see the questions and answers
23 that were prepared in advance of the marketing of
24 Premiere by Reynolds or its consultants?

25 A. If I did, I don't recall seeing them.

1 Q. In that time period you were in what
2 department?

3 A. Probably --

4 Q. Domestic brands?

5 A. Probably, yes.

6 Q. In that entire time you were in
7 domestic brands, were you assigned to any
8 research projects that you can recall?

9 A. We were not the research arm of
10 development. We were pretty much the, again, the
11 interaction with marketing folks and our goal was
12 to line extend, primarily.

13 Q. What does that mean?

14 A. Each year we began to lose volume back in
15 those times and each year at the beginning of the
16 year, whoever does the forecast, would say that
17 we were losing share and one way to increase your
18 market share is to line extend, which means to
19 put another SK unit, SKU unit in the marketplace,
20 like if you had a Winston king size product, one
21 of the line extensions would be Winston ultra
22 lights.

23 Q. Do you know what made a Winston
24 cigarette a Winston ultra light?

25 A. Primarily air dilution. With --

1 Q. I'm sorry.

2 A. I'm sorry, too. It would be air dilution
3 with probably increased reconstituted sheet or
4 expanded tobacco.

5 Q. Do you know what percentage of
6 typical cigarettes manufactured by Reynolds have
7 reconstituted versus expanded versus regular
8 tobacco?

9 A. I can't -- I'm just not that close to the
10 specifications.

11 Q. Were you ever involved in any
12 research related to the health aspects of
13 smoking?

14 A. No.

15 Q. Were you ever involved in any
16 research related to study understanding the
17 effect or purpose of nicotine in the smoking
18 process?

19 A. No.

20 Q. Were you ever consulted or on any
21 committees or kept apprised of what research if
22 any Reynolds was doing and whether or not
23 nicotine was habit forming or addictive?

24 A. No.

25 Q. I have various documents, research

1 memorandums you are copied on. Do you know why
2 you would have been copied on those, other than
3 making you go through --

4 A. I'm sure, depending on the time frame, we
5 kill a lot of trees at Reynolds. If you are a
6 manager or over a group, we were copied on most --
7 hundreds of pieces of paper go over daily.

8 Q. Would you have been copied on
9 research Reynolds was doing on the health aspects
10 of smoking?

11 A. I don't think so.

12 Q. Do you know what the full flavor
13 matrix team was?

14 A. I do recall we had a full flavor matrix
15 team, yes.

16 Q. What is that?

17 A. It was essentially an attempt to, I think,
18 to reduce the amount of work necessary to, as
19 opposed to working on like a Camel full flavor
20 and a Winston full flavor and a Vantage full
21 flavor, the matrix team would do one test that
22 might be applied in terms of its learning to all
23 of those full flavor type products as a resource
24 saving type effort.

25 Q. It was more of an office management

1 tool as opposed to a specific cigarette project?

2 A. It was used across a number of brands as
3 opposed to brand specific.

4 Q. Has Reynolds always had a brand
5 manager for its different brands, is that how it
6 has always been set up?

7 A. Not always.

8 Q. Since in that '81 to '92 time period,
9 was it always like that?

10 A. On key brands they were -- usually there
11 was one person, but it changed from year to year.
12 One year you may have a person in R&D that was
13 responsible for Winston and Salem, couple years
14 later it might be just you're accountable for one
15 brand style and there was a lot of movement with
16 people in the 80's. ::

17 Q. Do you know anyone at Reynolds that
18 has been interviewed by the FDA?

19 A. Interviewed or have discussions?

20 Q. Interviewed.

21 A. The only person -- the only person that
22 would come to mind would be perhaps Sam Simmons
23 or Bob Suber.

24 MR. OPSITNICK: Mr. Willard, it would
25 help if you just tell him what you know rather

1 than speculate, because it will make his job
2 easier and make your job easier, too. If you
3 know, tell him.

4 THE WITNESS: I do not know.

5 BY MR. MAISTROS:

6 Q. Are you a member of any professional
7 organizations?

8 A. No.

9 Q. Have you ever been involved in the
10 quality control at Reynolds? Is there a separate
11 quality control department?

12 A. There is a separate quality control
13 department.

14 Q. Have you ever been involved in that?

15 A. No, sir.

16 Q. And you've never been involved in any
17 division or department related to health issues?

18 A. No.

19 Q. Have you ever been involved in
20 contracting with outside laboratories?

21 A. No.

22 Q. Have you ever initiated your own
23 research project?

24 A. No.

25 Q. Have you visited Reynolds facilities

1 outside the United States?

2 A. Yes, I have.

3 Q. Which ones?

4 A. I visit the Torgau facility in Germany.

5 Q. For what purpose?

6 MR. OPSITNICK: I'm going to object
7 to that question as ambiguous.

8 THE WITNESS: Primarily orientation.
9 They have a very nice pilot plant over there.

10 BY MR. MAISTROS:

11 Q. A recon pilot plant?

12 A. No. It is making, packing primary pilot
13 facility.

14 Q. Do you know if Reynolds ever marketed
15 cigarettes containing levlulinic acid outside the
16 United States?

17 A. No.

18 Q. Have you ever seen the specifications
19 for the cigarettes that are manufactured by
20 Reynolds?

21 A. I have seen specifications in years past of
22 some of the specifications.

23 Q. Who makes those up?

24 A. The product developers, when the prototypes
25 are developed and transitioned into manufacturing

1 are accountable for those specifications.

2 Q. Did you ever utilize those
3 specifications for any purpose?

4 A. Other than just if somebody -- I personally
5 probably did not.

6 THE WITNESS: Would you care if I
7 took a quick break?

8 MR. MAISTROS: No.

9 MR. OPSITNICK: That's fine.

10 THE VIDEOGRAPHER: We're going off
11 the record at 11:24 a.m.

12 (RECESS TAKEN)

13 (Plaintiff's Exhibit Number 1 was
14 marked for identification.)

15 THE VIDEOGRAPHER: We're going back
16 on the record at 11:32 a.m.

17 BY MR. MAISTROS:

18 Q. In 1990, you were with brands?

19 A. 1990, yes, sir, I was.

20 Q. What involvement if any did you have
21 in 1990 with Wallace Hayes?

22 A. None.

23 Q. Do you know what he did in 1990?

24 A. No.

25 Q. Who was Mr. Dryden, D-r-y-d-e-n.

1 A. I don't know a Mr. Dryden.

2 Q. I'm sorry, Mary Jo Dryden?

3 A. Mary Jo Dryden worked in the brands group
4 for awhile.

5 Q. What did she do?

6 A. She was one of those brand manager type
7 folks.

8 Q. Like you?

9 A. When I was first there, yes.

10 Q. Was she on the same level as you?

11 A. Not at that particular point in time.

12 Q. Was she above you?

13 A. She reported to me. I'm sorry.

14 Q. You were her supervisor?

15 A. Yes. At that point in time. I am not sure
16 at that particular point in time. At some point
17 in time during that period she did report to me.
18 I'm not sure if it was in 1990 or not.

19 Q. What was the nicotine control
20 program?

21 A. I don't recall the nicotine control
22 program.

23 Q. Who was P.W. Vestal?

24 A. That would be Pat Vestal. She worked in
25 the brands area.

1 Q. What did she do?

2 A. She worked for, at some point in time, one
3 of the brand managers in the brands area.

4 Q. Now in this time period of 1990,
5 these people were in brands but under research
6 and development?

7 A. I would have to look, I guess, at an
8 organizational chart, but during the 80's, Pat
9 Vestal and Mary Jo Dryden worked in brands.
10 There was another group and I'm not sure what it
11 is called, cigarette design or cigarette
12 development, and if I'm not mistaken, some of
13 those people worked in that group also. That was
14 a John Reynolds group, if I recall.

15 Q. Did that have a title, that group?
16 It wasn't biobehavioral? :-

17 A. No. It was more akin to new product
18 development or cigarette development or something
19 like that.

20 Q. Let me hand you a document I've
21 marked as Exhibit 1. We'll mark it as Willard
22 Exhibit 1. This is a February 1st, 1990 document
23 from M.J. Dryden to you, correct?

24 A. That's what it says.

25 Q. And at this point in time you were

1 Mary Jo Dryden's supervisor, correct?

2 A. I'm assuming that since she wrote it to me
3 and she worked in the brands area, yes, it makes
4 sense.

5 Q. She states at the beginning of her
6 memo, the majority of nicotine research in
7 brands, R&D is encompassed in the nicotine
8 control program, objectives which are stated in
9 Mary Jo Dryden's PR-1 as follows. What is a
10 PR-1?

11 A. PR-1 was a tool that was used by management
12 to have people work on particular projects during
13 the year as to measure their accomplishment
14 during the year.

15 Q. Were you familiar with her PR-1 that
16 said assess the availability of nicotine control
17 technology to increase consumer acceptance of
18 current brands? I guess it goes on, to develop
19 product strategy for utilization of sensory and
20 physiological learning as related to nicotine as
21 set forth in this memo.

22 A. Could I just read the rest of it?

23 Q. Sure.

24 A. I see that they are referring to the REST
25 process in here, and I just do not recall this

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1 work with Wally Hayes at all.

2 I do recall that we did -- we did a lot of
3 RSM type work through the years. It is just a
4 research statistical evaluation of lots of data,
5 but --

6 MR. OPSITNICK: Mr. Willard, let him
7 ask the questions.

8 THE WITNESS: All right.

9 BY MR. MAISTROS:

10 Q. Do you recognize any of the writing
11 on the first page?

12 A. As to the?

13 Q. Who it might be or wrote it?

14 A. It looks like Mary Jo.

15 Q. All of it?

16 A. It looks like there is some comments beside
17 the DLP that would not be her's, but the rest
18 would be.

19 Q. And the note, please let me know if
20 this is okay, I would like to issue this today,
21 thanks, Mary Jo, and to the right it says Page 2
22 refers to your link to nicotine research. Do you
23 know who that was being written to?

24 A. It looks like to the initials DLP and PDP.

25 Q. What did P.D. Phillips do in this

1 time period?

2 A. He was a -- 1990 -- he was probably the
3 manager of Salem, brand manager of Salem in R&D.

4 Q. Were you his supervisor?

5 A. At this particular time, yes.

6 Q. Do you recall that the work being
7 done in P.D. Phillips' area included exploring
8 the effect of normal nicotine -- I'm reading from
9 the second page, you can read along with me. "To
10 explore the effect of normal nicotine variations
11 to current FFLT products on consumer acceptance,
12 and two, explore the use of intermediate alkaloid
13 tobaccos, (.5 percent - 2 percent nicotine)
14 in current FFLT product configurations"?

15 A. Obviously, and this document is what it is,
16 but I just don't recall what this work was about.
17 There -- I did RSM to evaluate, obviously as
18 stated here. Nothing was done with it, I can
19 tell you that.

20 Q. Do you know what the author is
21 referring to when she says that she was going to
22 assess the ability of nicotine control technology
23 to increase consumer acceptance of current
24 brands?

25 MR. OPSITNICK: Objection, calls for

1 speculation.

2 THE WITNESS: I just don't recall the
3 work.

4 BY MR. MAISTROS:

5 Q. What nicotine control technology
6 existed at Reynolds in February of 1990?

7 A. We don't have any nicotine control, except
8 for reductions in nicotine, and those would be
9 reconstituted sheet or expanded tobaccos or
10 lowering tar and nicotines by dilution
11 filtration.

12 Q. You were familiar with all of the
13 technology that existed at Reynolds in 1990 with
14 respect to nicotine and the ability of Reynolds
15 to control nicotine?

16 A. If you mean by control by reducing
17 nicotine, yes, the conventional ones that I'm
18 familiar with in manufacturing.

19 Q. And it is your testimony Reynolds had
20 no technical capabilities to control nicotine in
21 1990?

22 MR. OPSITNICK: Objection,
23 mischaracterizing his testimony.

24 BY MR. MAISTROS:

25 Q. Is that your testimony?

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1 A. What I said was, that we reduced nicotine.
2 We had ways to reduce nicotine through the use of
3 reconstituted sheet expanded tobacco and through
4 just the normal primary processing area that all
5 reduces the nicotine.

6 Q. Are you familiar with the means if
7 any that Reynolds had to control nicotine in
8 1990?

9 MR. OPSITNICK: Objection, assumes
10 facts not in evidence.

11 THE WITNESS: As stated, the only
12 things that I recall is that we reduced nicotine
13 levels in our products through the use of those
14 processes.

15 BY MR. MAISTROS:

16 Q. These PR-1's, are they written? --

17 A. Yes.

18 Q. And how often were they done?

19 A. Once a year.

20 Q. And where are they kept at Reynolds?

21 A. Typically I would have kept them for the
22 people that work with me.

23 Q. Would you send copies somewhere?

24 MR. OPSITNICK: Ron, hold on a
25 second. You know, if -- I don't know the

1 arrangement that you've had with Mark on this
2 issue, Jack, but I know that discovery is closed
3 in this case more or less. I know he's tried to
4 be flexible with you.

5 MR. MAISTROS: I'm not asking for
6 them. I just want to know the method for now,
7 how they are kept.

8 THE WITNESS: We kept them in a file.
9 BY MR. MAISTROS:

10 Q. Who would develop them each year?

11 A. The person that was at a certain level
12 within a group.

13 Q. Did you have to do any?

14 A. Yes.

15 Q. Do you have copies of all of yours
16 over the years?

17 A. They are in the files.

18 Q. And this memo doesn't refresh your
19 recollection as to what the nicotine control
20 program was or who headed it up?

21 A. I just don't recall at all even seeing this
22 memo. It has my name on it, but I just don't
23 even recall seeing it.

24 Q. There was a -- we can go through
25 these if you want, there was a series of articles

1 published by Reynolds in response to the Surgeon
2 General's report on whether or not nicotine was
3 addictive, some were published by Robinson and
4 Prichard. You were copied on some of those. Do
5 you know why you would have been copied on those?

6 A. As a senior manager, I don't know the time
7 frame, but most senior managers in R&D are copied
8 on most papers like that.

9 MR. MAISTROS: Let's go off the
10 record for a minute.

11 THE VIDEOGRAPHER: We're going off
12 the record at 11:46 a.m.

13 (Discussion off the record.)

14 THE VIDEOGRAPHER: We're going back
15 on the record at 11:48 a.m.

16 MR. MAISTROS: Mr. Willard, you have
17 the right to review this deposition. I'm sure
18 your counsel advised you of your rights with
19 respect to same or you can waive signature.
20 Thank you, for your time.

21 MR. OPSITNICK: We would like to
22 reserve our right to review the deposition as
23 well as to the signing, if you would, please.

24 THE VIDEOGRAPHER: This is the end of
25 the deposition. We're going off the record at

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1 11:48 a.m.

2 (Deposition concluded at 11:48 a.m.)

3 (Signature Reserved)

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J U R A T

I, RONIE LEE WILLARD, do hereby

certify that I have read the foregoing transcript

of my testimony, taken on January 22, 1998, and

have signed it subject to the following changes:

PAGE

LINE

CORRECTION

DATE:

Sworn and subscribed to before me on this _____
day of _____, 1998.

Notary Public _____

1 State of North Carolina

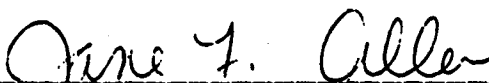
2 County of Forsyth

3
4 REPORTER'S CERTIFICATE

5
6 I, Jane F. Allen, a Notary Public in
7 and for the State of North Carolina, do hereby
8 certify that there came before me on Thursday,
9 January 22, 1998, the person hereinbefore named,
10 who was by me duly sworn to testify to the truth and
11 nothing but the truth of his knowledge concerning
12 the matters in controversy in this cause; that the
13 witness was thereupon examined under oath, the
14 examination reduced to typewriting under my
15 direction, and the deposition is a true record of
16 the testimony given by the witness.

17 I further certify that I am neither
18 attorney or counsel for, nor related to or employed
19 by, any attorney or counsel employed by the parties
20 hereto or financially interested in the action.

21 IN WITNESS WHEREOF, I have hereto set my
22 hand and affixed my official notarial seal, this
23 the 26th day of January 1998.

24 
25 Jane F. Allen, Notary Public
My Commission Expires 10/26/02

To: R.L. Willard

From: M.J. Dryden

RE: Response to A.W. Hayes' Request Regarding Nicotine Research

The majority of nicotine research in Brands, R&D is encompassed in the Nicotine Control Program, objectives of which are stated in M.J.Dryden' PR-1 as follows:

Assess the ability of nicotine control technology to increase consumer acceptance of current brands

- Develop product strategy for the utilization of sensory and physiological learning as related to nicotine

Specific 1990 work plans entail the use of specially processed tobaccos (REST process) and different product designs, to yield products that have a smoke nicotine range from .6 to 1.25 mg per cigarette, a tar range from 6 to 16 mg per cigarette, and a cigarette draft range from approx. 95 to 145 mm. An RSM test design will most likely be used to explore the independent effect of nicotine, tar, and draft on smoking behavior and consumer acceptance. HMSM data will be collected, analyzed and correlated to smoker perceptions in an attempt to better understand the importance of actual product yields and how smokers obtain these yields.

The broad action plan is as follows:

- o Determine test design options, and explore feasibility of meeting test design criteria through "blue sky" modeling 1Q90
- o Initial investigations and scale-up to consumer test quantities 2Q90
- o Field 2 part HSB study to FFLT and FF smokers 3Q90
 - T/N range from approx 7 to 23
 - smoking behavior, HMSM data, attributes and acceptance data will be evaluated
 - tobaccos from REST process
- o Results and Recommendations 4Q90

The key Brands, R&D personnel for this program are:

M.J. Dryden
P.W. Vestal
W.A. Needs

PLAINTIFF'S DEPOSITION ^{RJR} 22956
EXHIBIT # 1
DATE RPTR

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In addition to the Nicotine Control Program, work is being conducted in P.D. Phillip's area:

1. To explore the effect of "normal" nicotine variations in current FFLT products on consumer acceptance.
2. To explore the use of intermediate alkaloid tobaccos (.5% - 2.0% blend nicotine) in current FFLT product configurations.

Although no specific action plans for nicotine research have been established in D.L. Potter's area, he will be providing input into the nicotine control program, and as such will utilize the results, if actionable, for WINSTON development.

This covers all nicotine research in Brands, R&D. Please let me know if you need further explanation.

M.J. Dryden

xc:

L.J. Inman
P.W. Vestal
W.A. Needs
P.D. Phillips
D.L. Potter

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